

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 30 NOV 2005

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| Applicant's or agent's file reference P03032 | | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/NO2004/000315 | International filing date (day/month/year) 15.10.2004 | | Priority date (day/month/year) 22.10.2003 |
| International Patent Classification (IPC) or national classification and IPC C22C21/08 | | | |
| Applicant NORSK HYDRO ASA et al. | | | |
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | | | |
| 4. This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application | | | |
| Date of submission of the demand 18.05.2005 | Date of completion of this report 28.11.2005 | | |
| Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Flink, E Telephone No. +49 89 2399-2919 | | |



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NO2004/000315

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as published

Claims, Numbers

1-4 as published

Drawings, Sheets

1/8-8/8 as published

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages
- the claims, Nos.
- the drawings, sheets/figs
- the sequence listing (*specify*):
- any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Yes: Claims | |
| | No: Claims | 1-4 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-4 |
| Industrial applicability (IA) | Yes: Claims | 1-4 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: WO-A-98/42844

D2: US-A-3879194

D3: WO-A-95/06759

a) The product claim 1 lacks clarity in that the composition of the alloy is not clearly specified. The term "containing" introduces an ambiguity in the definition of the protection sought in claim 1 because it does not exclude further alloy elements.

In claim 1 exact values are stated for Cr, Zn and Cu. From the content of the application (see the tables in the description), however, it is clear that maximum values are meant.

b) An aluminium alloy having a composition as claimed in claim 1 is already disclosed in documents D1 (see page 8, lines 23-30, Table 1 (see examples 1-12 and example 6063) and Table 3 (see examples 17, 18 and 20-25)), D2 (see column 4, lines 14-20 and claim 4) and D3 (see example 2 and Table 3 (Alloy: AA6063)).

Therefore, the subject-matter of claim 1 lacks novelty (Article 33(2) PCT).

The composition according to claim 2 is also disclosed in document D1 (see the above mentioned passages).

Further, the composition of claim 3 is disclosed in documents D1, D2 and D3 (see the above mentioned passages).

Therefore, the subject-matter of claims 2 and 3 also lacks novelty (Article 33(2) PCT).

In the method according to document D1 the billets are heated to a temperature of 480°C prior to extrusion (see page 9, line 10).

Therefore, the subject-matter of claim 4 also lacks novelty (Article 33(2) PCT).

Re Item VII

Certain defects in the international application

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An alloy per se cannot be defined by its temperature prior to extrusion as is stated in claim 4.

Re Item VIII

Certain observations on the international application

The term "containing" used in claim 1 is vague and unclear and leaves the reader in doubt as to the scope of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT).